IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18301 of 2007(D)

PETITIONER:

A. JAYAKUMAR,
HINDU, AGED 45 YEARS, RESIDING AT DEVANTHOTTAM,
PEDIKULAM, PULIMATH P.O., KILIMANOOR,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH
SRI.A.CHANDRASEKHARAN NAIR

RESPONDENTS:

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1. GOVERNMENT OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR AS
ADDITIONAL DISTRICT MAGISTRATE,THIRUVANANTHAPURAM.

3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,KILIMANOOR.

4. SMT.R.SATHI,
NEETHU NIVAS, PEDIKULAM, PULIMATH P.O.,KILIMANOOR.

R3 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 18301 OF 2007

Dated this the 25th day of June, 2007

JUDGMENT

Petitioner's grievance is that the Addl. District Magistrate had originally approved drawal of electric line over a pathway to give connection to the fourth respondent but later he approved line over petitioner's property because of influence exerted by somebody. On going through the sketch produced by KSEB I find there is a pathway through northern boundary of properties of Sethukutty, Bhagavathy Amma, Krishnankutty Nair and the beneficiary, namely, Sathy. I see no reason why the line should not be drawn over the pathway wherefrom others also can take connection as and when required. The present line approved by the ADM as shown in the sketch produced by the KSEB is passing diagonally across the property of the petitioner. I find the revised route is approved without hearing the petitioner. In the circumstances, I vacate Ext.P4 with direction to the Addl. District Magistrate to issue notice to all the land owners over whose property the pathway is passing through, hear them and consider the relative

advantage of that line over the one approved, hear the petitioner also and decide the matter afresh. I make it clear that if the line over the pathway was earlier approved, he should not change it as the said pathway is passing through the petitioner's property also, and the petitioner has no objection about it. The Addl. District Magistrate is directed to take a decision within one month from the date of production of a copy of this judgment by the petitioner.

W.P. is allowed as above.

(C.N.RAMACHANDRAN NAIR)
Judge